

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV32

H. DEAN ALLISON, *et al.*,)
)
This document pertains to:)
RICHARD ALLEN, and wife DEMENTRA)
KRISON ALLEN; RAY N. ANDERSON, and)
wife DOROTHEA C. ANDERSON;)
DONNIE I. BAILEY; THEODORE)
BALLARD, JR.; VASS A. BARBOUR, JR.,)
and wife JULIE P. BARBOUR; HAROLD T.)
BLYTHE; WILLIAM G. BRENNAN,)
as Executor of the Estate of Erwin)
G. Schmidt, Deceased, and MARY)
MARGARET QUIGLEY SCHMIDT; EUGENE)
H. BROOKS, and wife JACQUELINE B.)
BROOKS; GARY LANCE BROWN, and)
wife EVELYN BROWN; KENNETH)
BROMELOW; MARY JACQUELINE BURT,)
Individually and as Administrator of the)
Estate of Zeno F. Burt, Deceased;)
SHIRLEY CLARK; LINDA S. DAVIS,)
Individually and as Administrator of the)
Estate of Conly P. Davis, Deceased;)
RONALD DICKINSON, and wife NORA)
DICKINSON; BOYD M. FRANKLIN, and wife)
SANDRA FRANKLIN; HUBERT E. FREEMAN,)
SR., and wife MARILYN J. FREEMAN;)
JAMES D. GILLESPIE, and wife WILLA W.)
GILLESPIE; BOBBY R. HANCOCK, and)
wife ELNA FAY L. HANCOCK; JAMES)
CHARLIE HENLINE, and wife LOUISE W.)
HENLINE; HERBERT W. HICKS, JR.;)
FAYE V. HOGLEN; EDGAR EUGENE)
HOMAN, and wife VIRGINIA LEVELL)
HOMAN; HENRY A. HOUGHTON, as)
Administrator of the Estate of Henry M.
Houghton, Deceased;)
JACK B. HUGHES, and wife SARAH)
HUGHES; RAY B. KETCHIE, and wife)
PEGGY ELLER KETCHIE; LEW KOEHLER,)

and wife PAMELA L. KOEHLER;)
MAGGIE KRIDER, Individually and as)
Personal Representative of the Estate of)
Thomas Krider, Deceased; FRANCES)
S. LACKEY, Individually and as)
Personal Representative of the Estate)
of Paul G. Lackey; WALTER H. MABE, JR.,)
and wife KATHY L. MABE; HAYWARD B.)
McATEER, and wife JEANETTE R.)
McATEER; LEE W. McKEOWN, SR.,)
and wife FRANKIE McKEOWN; BILLY)
MERCER, and wife CAROL F. MERCER;)
HARGET FRANKLIN MOORE, and wife)
MAMIE ELIZABETH MOORE; FRANCES M.)
NAYLOR, as Administratix of the Estate of)
Walter Naylor, Deceased; PHILLIP E.)
OWEN, and wife DOROTHY OWEN;)
EVERETT L. QUESINBERRY; RALPH G.)
SHAW, SR., and wife GEORGIA HELMS)
QUATES SHAW; EDWARD J. SLAUGHTER,)
and wife SHEILA DIANN SLAUGHTER;)
KENNETH G. SMITH, and wife MARGARET)
SMITH; ELENA G. TATE, Individually and)
as Personal Representative of the Estate of)
Bobby G. Tate, Deceased; WILLIAM C.)
THOMAS; WALTER D. THOMPSON;)
CAROLYN I. WAGNER, Individually and as)
Executrix of the Estate of Kenneth L.)
Wagner, Deceased; and ROBERT L.)
WALLER, SR., and wife LINDA C. WALLER,)
Plaintiffs,)
Vs.)
DANIEL CONSTRUCTION COMPANY,)
INC. and DANIEL INTERNATIONAL)
CORPORATION,)
Defendants.)

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER is before the Court on the joint motion of the captioned Plaintiffs and Defendants Daniel Construction Company, Inc., and Daniel International Corporation, to dismiss their claims without prejudice as to Defendants.

For the reasons stated in the motion, and upon consent of the parties,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the joint motion to dismiss is **ALLOWED**, and the claims of the captioned Plaintiffs against the Defendants Daniel Construction Company, Inc., and Daniel International Corporation, are hereby **DISMISSED WITHOUT PREJUDICE**, and these Plaintiffs may be terminated from the action.

Signed: August 14, 2007



Lacy H. Thornburg
United States District Judge

